REMARKS

Claim 13 has been amended to depend from independent claim 10 instead of cancelled claim 12.

Claims 10, 13 and 17-19 stand rejected under 35 U.S.C. § 103(a) for obviousness from the teachings of U.S. Patent No. 6,716,061 to Pitschi et al. in view of U.S. Patent No. 6,712,050 to Gomez.

In the Office Action, the Examiner admits that the Pitschi et al. patent does not disclose the bronze as being made of copper-tin-zinc-lead. The Examiner goes on to allege that the Gomez patent discloses such an alloy and that to make the bronze element 15 of the Pitschi et al. patent from this alloy would have been obvious, for good strength and conductivity. Reconsideration is requested.

The Pitschi et al. patent is directed to a coaxial connector. In contrast, the Gomez patent is directed to an apparatus for improving combustion efficiency in internal combustion systems. It is respectfully submitted that one skilled in the art of coaxial connectors would not look to the art of improving combustion efficiency in internal combustion systems for solutions to problems, nor has the Examiner provided any reasoning, either in the prior art itself or in the general knowledge in the art of coaxial connectors, why one skilled in the art of coaxial connectors would look to the art of improving combustion efficiency in internal combustion systems for solutions to problems.

It is settled law that "[w]hen a party claims that a combination of references renders . . . [an] invention obvious, the prior art must provide a suggestion or motivation to combine the references. . . . Absent this suggestion or motivation, the mere existence of the individual elements at the time of invention does not render a patented combination of these elements obvious as a matter of law." Remcor Products Co. v. Scotsman Group Inc., 32 USPQ2d 1273, 1278 (N.D. Ill. 1994). The Court addressed the use of hindsight reconstruction as a basis for obviousness rejections in In re Fritch, 972 F.2d 1260, 1266, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992) wherein the Court stated "[i]t is impermissible to use the claimed invention as an instructional manual or 'template' to piece together the teachings of the prior art so that the claimed invention is rendered obvious. This court has previously stated that '[o]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate

the claimed invention.'" Moreover, in Texas Instruments Inc. v. U.S. Intern. Trade Com'n., 988 F.2d 1165, 1178, 26 USPQ2d 1018, 1029 (Fed. Cir. 1993), the Court stated the prior art "references in combination do not suggest the invention as a whole claimed in the ...patent. Absent such suggestion to combine the references, respondents can do no more than piece the invention together using the patented invention as a template. Such hindsight reconstruction is impermissible."

Assuming *arguendo* that the Gomez patent is relevant prior art to the present invention, the Gomez patent does not disclose, teach or suggest the alloy of the present invention, as alleged by the Examiner. Specifically, in rejecting the claims, the Examiner alleges that column 2, lines 55-56 of the Gomez patent discloses the alloy of claim 10. Column 2, lines 51-60 of the Gomez patent, however, refer to Mexican Patent No. 171087 which corresponds to U.S. Patent No. 4,930,483 to Jones which is directed to a fuel treatment device which, like the apparatus disclosed in the Gomez patent, is not relevant prior art to the present invention. Notwithstanding, the Jones patent discloses a copper-nickel-zinc alloy according to UNS C 75700 or DIN CuNi12Zn24, the latter of which is also known as nickel silver or German silver (Neusilber). This alloy, however, is not appropriate for electrical applications as the electrical properties are not good. Specifically, as the content of nickel is high, this alloy is not appropriate in respect of passive intermodulation (PIM) and can therefore not be used in high-frequency engineering. Further, this alloy is not resistant to stress crack corrosion. Lastly, Applicant believes that the alloy disclosed in the Gomez patent is not even a bronze.

CONCLUSION

Based on the foregoing amendments and remarks, reconsideration of the rejection and allowance of claims 10, 13, and 17-19 are requested.

Respectfully submitted,

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